IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.GIRI

THURSDAY, THE 20TH SEPTEMBER 2007 / 29TH BHADRA 1929

WP(C).No. 25662 of 2007(E)

PETITIONER:

SETHUMADHAVAN P.P., AGED 39 YEARS,
S/O. LATE SRI.PRABHAKARAN NAIR, SUB ENGINEER(ELE),
110 KV SUB STATION, KSEB, CHALAKKUDY.

BY ADV. SRI.P.M.MOHAMMED SHIRAZ

RESPONDENTS:

1. KERALA STATE ELECTRICITY BOARD,
REPRESENTED BY ITS SECRETARY,
VYDHYUTHI BHAVAN,
PATTOM, TRIVANDRUM.

2. THE CHIEF ENGINEER (HRM),
KERALA STATE ELECTRICITY BOARD,
VYDHYUTHI BHAVAN,
PATTOM PALACE P.O., TRIVANDRUM.

BY ADV.SRI.K.S.ANIL - STANDING COUNSEL FOR KSEB

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 20/09/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

V.GIRI, J.

W.P.(C).No.25662 of 2007 E

Dated this the 20th day of September, 2007.

JUDGMENT

The petitioner, a diploma holder, who is presently working as Sub Engineer (Electrical) in the Kerala State Electricity Board, has now been promoted as an Assistant Engineer, in the quota set apart to certificate holders vide Ext.P2 order. The grievance of the petitioner seems to be against the requirement of a declaration, which has been sought for in the prescribed form appended to Ext.P2 from all the promotees under Ext.P2. The declaration reads as follows:

> *"9. A declaration in Stamp Paper worth Rs.100/- may be obtained from the above Sub Engineers (Ele) who are promoted as Assistant Engineer (Ele) in the ITI quota and holding Diploma/Degree certificates.*
>
> **DECLARATION**
>
> *I,.....(name, designation & present incumbency) promoted as Assistant Engineer (Ele) in the 20% ITI quota vide order No..... do hereby declare that I will not putforth any claim for further promotion in the Diploma/Degree quota.*
>
> *Sd/-*
>
> *CHIEF ENGINEER (HRM)"*

2. According to the petitioner, prospects of further promotion to the post of Assistant Executive Engineer is also rested

upon maintenance of a ratio between diploma holders and degree holders and that by giving a declaration as sought for, the promotion prospects of the petitioner will be detrimentally affected. He also submits that the declaration sought for is not seen in the orders issued by the Board adopting the Kerala Engineering Service Rules in the Board and therefore, it is ultra vires the power of the Chief Engineer to prescribe it as an added condition.

3. In my view, the grievance raised by the petitioner vis-a-vis with the Special Rules in question necessitates consideration by the Board itself.

4. I heard learned standing counsel for the Electricity Board also.

5. In the facts and circumstances, Ext.P3, which is an objection filed by the petitioner before the Chief Engineer, the author of Ext.P2, shall be forwarded to the Electricity Board, within a period of two weeks from the date of receipt of a copy of this judgment. The petitioner is at liberty to supplement the contentions raised by him in Ext.P3 by a fresh representation which also may be presented before the Chief Engineer within a period of one week from today and the same may be forwarded along with the original of Ext.P3 to the Board by the Chief

Engineer. The Board shall then hear the petitioner or an authorised representative and take a decision on the contentions raised by the petitioner, within a period of three months from the date of receipt of a copy of the original of Ext.P3 along with the representation as permitted above. It is made clear that it is open to the petitioner to accept the promotion granted under Ext.P2 without prejudice to his contentions raised in the writ petition which are reiterated in Ext.P3. The other contentions of the petitioner are left open.

The writ petition is disposed of as above.

Sd/-

(V.GIRI)

JUDGE

sk/

//true copy//

P.S. To Judge